



CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

30 OCT 1980

Mr. Steven Garfinkel  
Director, Information Security  
Oversight Office (Z)  
General Services Administration  
18th & F Streets, N.W.  
Washington, D.C. 20405

Dear ~~Mr.~~ <sup>STEVE</sup> Garfinkel:

Forwarded herewith is our fiscal year 1980 Agency Information Security Program Data (SF 311) report.

As was done last year, the statistics in section 1b of the report were obtained from an actual count over a seven-day period (20-26 September) and projected to cover the reporting period.

Sincerely,

/s/ Tom

Thomas H. White  
Director of Information Services  
Directorate of Administration

Enclosure

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- 1 - RSB Chrono

**Page Denied**

## Continuation Sheet to SF 311

## 4. Narrative Report

- a. DECLASSIFICATION. (Describe actions to declassify information under the systematic review procedures of the Order. Include discussion of problem areas and give estimated date for transition to systematic review of material as it reaches its 20th anniversary of origin.)

The Classification Review Division (CRD) of our Office of Information Services is responsible for the systematic review of Agency permanent records over 20 years old. It is composed of officers from throughout the Agency whose background and experience qualify them to make the necessary classification judgments. Coordination with originating or responsible components is available on those infrequent occasions when it is necessary. Over the past year CRD has increased production by the addition of as many reviewing officers as budget and office space permit. The productivity of these officers has also been upgraded through increased clerical support and refinement of a number of internal procedures. CRD has negotiated the review procedures for two groups of interdepartmental records with other agencies and will use these procedures as a basis for additional review agreements on other interagency material. Also, CRD is exploring methods of reviewing a large body of records stored in non-paper form (film, microforms, ADP media, etc). Problem areas continue to be (1) shortage of personnel, (2) lack of adequate office space and other resources for the expansion of the staff, and (3) limited storage space in which to keep a backlog of work readily at hand. Nevertheless, we consider somewhat conservative the earlier estimate that we will be able to complete only 22% of the material necessary to make the transition to 20-year review by 1988. Experience and innovation have increased CRD's productivity enough that completion of 30% now would seem more likely. Efforts continue in this regard in an attempt to complete the transition in compliance with the Executive Order.

b. TRAINING. (Describe all major actions relating to information security education and training, including special efforts toward limiting the amount, level, and duration of classified material generated, and increasing public access to information declassified.)

There has been a continuation of our effort to familiarize Agency personnel with Executive Order 12065. Most training is provided by our Office of Training and Education and emphasis has been placed on the implementation of E.O. 12065 within CIA as well as the tools available to persons who classify, specifically the Agency Information Security Program Handbook and its associated guides.

The students addressed have ranged the entire spectrum of grades and positions and were attending courses in records and information handling, Freedom of Information and Privacy Act processing, administrative procedures training, and orientation programs.

Upon request, special seminars and discussion groups have been held with individual offices and staffs to assist them in understanding how the Order applies to their specific information.

Additionally the Security Education Group of our Office of Security (OS) addresses a wide variety of audiences in the Agency from new persons entering on duty, to specifically tailored security reindoctrinations delivered to members of particular offices in every directorate, to groups of Agency trainees who represent a homogeneous cross section of the Agency. Specific references are usually made to the responsibility to properly classify material. In each forum, the opportunity exists to raise questions about individual and institutional responsibilities to properly classify, declassify, and safeguard material.

During this reporting period the National Archives and Records Service (NARS) accessioned some Agency records and others are under consideration. NARS has also been given a printout from CRD's ADP system indicating the review decisions on a record group of finished intelligence, most of which was declassified. This will enable NARS to take the indicated action on its own copies, thus making the information available to the public. In addition, we have scheduled teams of review officers to visit NARS and the Washington National Records Center one day each week to review material of CIA interest found in records of other agencies. Most of this material is declassified and therefore becomes available to the public.

c. SAFEGUARDS. (Describe actions to enhance safeguards, to include control of reproduction, reduction of classified holdings, and improved methods of destruction.)

The Physical Security Division of OS enforces the safeguards required by Executive Order 12065 and the implementing directives through a program of physical security surveys, inspections and audits. There are approximately 750 separate elements which are subject to this program.

These elements include Agency Headquarters components, domestic facilities, foreign facilities, and contractor facilities. This program is administered through the use of approximately 24 professional officers with appropriate supervision. The program centers around establishing physical security standards and procedural standards and the enforcement of these standards through surveys, inspections, and audits.

d. BALANCING TEST. Describe extent of use of the balancing test (E.O. 12065, Section 3-303) and impact on agency mission.

As you are aware, the Agency has recently published a regulation dealing with the balancing test in the Federal Register. This regulation appears as part of CIA's Information Security Regulations set forth at 32 C.F.R. 1902. The regulation became effective upon publication and contains the most recent version of the balancing test. It is important to note that this regulation contains modifications as suggested by ISOO in a letter to Admiral Turner dated 5 August 1980. As a result of the ISOO suggestions, an additional situation in which balancing would be appropriate was included. This modification, set forth at 32 C.F.R. 1902.13(c)6, indicates balancing will occur in cases in which nondisclosure of classified information could reasonably be expected to "...deprive the public of information indispensable to public decisions on issues of critical national importance..."

This Agency's use of the balancing test most often occurs in litigation which has been brought under the Freedom of Information or Privacy Acts. In such cases, this Agency has declined to furnish documents or portions of documents to a requester on the ground, among others, they contain information that has been properly classified in accordance with Executive Order 12065. To justify such withholdings, CIA must show (1) the information is a proper subject for classification, (2) the requisite injury to the national defense could reasonably be expected to occur if this information was related to the public and, (3) the document which contains such information has been properly classified procedurally.

If a classified document is at issue in litigation it is necessary for this Agency to defend its withholding. This defense is made primarily through the submission of affidavits to the Court--sworn statements signed by senior Agency officials with Top Secret classification authority.

These affidavits, insofar as classification is concerned, must demonstrate the withheld information has been properly classified in accordance with E.O. 12065. After demonstrating the current classification of the withheld documents is consistent with the Executive Order, the affidavit will, in the typical case, consider the balancing test.

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In considering the balancing test, the senior Agency official will usually refer in the affidavit both to the Agency regulation [ ] and to a 30 November 1978 advisory letter on the subject to the Interagency Classification Review Committee from the President's National Security Advisor, Zbigniew Brzezinski. Because of the relative narrowness of the conditions under which balancing may occur--circumstances that are usually absent--the senior official typically concludes that the requisite circumstances for balancing do not exist. Accordingly, no balancing occurs.

In summary, the balancing test, in the context of litigation to which this Agency is a party, imposes no significant burdens upon the Agency. In such litigation CIA is required to establish the classified status of a document or portions of a document and the additional burdens associated with applying the balancing test are slight.

e. PROGRAM MANAGEMENT. (Describe major problems encountered in implementing E.O. 12065 and ISOO directives.)

As reflected in paragraph c above, the implementation of the Agency physical security program requires a substantial dedication of manpower. However, because of the nature of the Agency mission, the sensitivity of the information with which the Agency deals, and our charter to protect intelligence sources and methods, the implementation of Executive Order 12065 has not required a measure of physical protection over and above that already in existence.

A major problem with implementation of the Order continues to be the potential damage to the national security posed by the declassification of intelligence records, many of which by themselves may seem harmless but in the aggregate could cause significant harm. Also important are staffing and logistical problems such as those mentioned in paragraph a above. Further, the systematic review of the Agency's non-paper holdings will be slow at best; merely surveying these holdings and determining how they are to be reviewed will probably take the better part of FY 1981. Finally, the evolving mechanism for review of interdepartmental material may require some adjustment.